

RESOLUTION NO. 2022-206

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING AN AMENDMENT TO A DEED OF CONSERVATION EASEMENT ACROSS A PORTION OF LAND KNOWN AS MITIGATION AREA “F” OF WINSTON PARK SECTION ONE-A 131-24 B TRACT P NATURAL PRESERVE AREA, GENERALLY LOCATED AT 5201 NW 49 AVENUE, COCONUT CREEK, FLORIDA, OWNED BY THE CITY OF COCONUT CREEK, AND MORE SPECIFICALLY DESCRIBED IN THE AMENDMENT TO DEED OF CONSERVATION EASEMENT, ATTACHED HERETO AS “EXHIBIT 1,” IN ORDER TO ALLOW THE CITY TO CONSTRUCT THE FINAL SIDEWALK CONNECTION TO THE WINSTON PARK PRESERVE PATHWAY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a wood boardwalk was constructed by the City in the early 1990s in the Winston Park Nature Center Preserve to facilitate public access into the preserve; and

WHEREAS, subsequent to the construction of the boardwalk, a deed of conservation easement was recorded on February 13, 1997, that included a small area of preserve, which contained the boardwalk; and

WHEREAS, in 2019, a routine inspection of the boardwalk revealed that it had become unsafe for public use, and the City closed the boardwalk to the public; and

WHEREAS, in February 2020, the boardwalk was demolished with the intention of constructing a concrete sidewalk within the former boardwalk footprint; and

WHEREAS, when the City applied for a Broward County permit to construct the new sidewalk, the County informed the City that a conservation easement exists over a small portion of the preserve where the sidewalk was being proposed; and

WHEREAS, the conservation easement does not permit the construction of a sidewalk even though a boardwalk formerly existed in the same area; and

WHEREAS, the County approved the construction of the remainder of the path outside of the easement area, which the City completed, leaving a sixty (60) foot wide segment unfinished; and

WHEREAS, an amendment to the conservation easement is necessary in order to be able to construct a sidewalk within the easement boundary; and

WHEREAS, the County agreed to amend the conservation easement to allow for the construction of this last segment of sidewalk to complete the preserve pathway; and

WHEREAS, to mitigate for any negative impacts from the construction of the sidewalk, the City has agreed to plant thirty-four (34) native bald cypress trees within the preserve; and

WHEREAS, this amendment will be recorded in the Official Records Books of Broward County once it is approved by the City and County Commissions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution. The Amendment to Deed of Conservation Easement, “Exhibit 1,” attached hereto and incorporated herein, is hereby made a specific part of this resolution.

Section 2: That the City Commission has reviewed and hereby approves the attached Amendment to Deed of Conservation Easement, attached hereto as “Exhibit 1.”

Section 3: That the Mayor is hereby authorized to execute said Amendment to Deed of Conservation Easement.

Section 4: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 5: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this ____ day of _____, 2022.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Rydell _____

Welch _____

Tooley _____

Railey _____

Brodie _____